

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 25, 1974

1:00 P.M.

Electric Auditorium
301 West Avenue

The meeting was called to order with Mayor Pro Tem Love presiding.

Roll Call:

Present: Councilmen Friedman, Handcox, Lebermann, Mayor Pro Tem Love,
Councilmen Binder, Dryden

Absent: Mayor Butler

The Invocation was delivered by REVEREND THOMAS WHITCOMB, Trinity
United Church of Christ.

ANNOUNCEMENT

Mayor Pro Tem Love announced that earlier that morning in executive session the Council had made the determination that the City Clerk would be Mrs. Grace Monroe. He noted that they were proud of her and her 26 years of service and that she had done an outstanding job over those years and looked forward to several more years of that service.

RECOGNITION - RETIREMENT

Councilman Binder read and then presented a resolution signed by the Mayor and Council members in honor of Mr. Robert H. "Bob" Brown for devoting 20 years as a valued employee of the City. It was noted that he would be retiring April 30, 1974, as Superintendent of the Building Maintenance Division of the Public Works Department (a position he had held since March 3, 1954). Mr. Dan Davidson, City Manager, stated that Mr. Brown was the kind of division head that every City Manager would like to have. He noted that all the administrative staff admired him and appreciated the service and help he had given. Mr. Brown took this opportunity to introduce his family and stated that the City had not had an employee to retire that had not had more pleasant and happy experiences than he had. In conclusion, he thanked the Council for the recognition.

NATIONAL DAY OF HUMILIATION, FASTING AND PRAYER

Councilman Dryden read and then presented a proclamation to Mrs. Brockman, Mrs. H. M. Parks, and Rev. Stoner, Central Christian Church, proclaiming April 30, 1974, as "National Day of Humiliation, Fasting and Prayer." Mrs. Brockman thanked the Council and noted that plans were made for churches all over Austin to be open that day with bells ringing at 12 noon to call people to prayer.

TEXANS TRY TRANSIT MONTH

Councilman Handcox read and then presented a proclamation to Mr. Clyde Malone and Mr. Russell Olvera proclaiming the month of May, 1974, as "Texans Try Transit Month." Mr. Malone noted that the City of Austin was very fortunate to have a Council such as this one that feels toward transit as they do. He hoped that they could live up to what the City would be expecting of them in this venture. In conclusion, he thanked the Council.

RESOLUTION TO MR. HARRY YANT

Councilman Handcox read and then presented a resolution signed by the Mayor and Council members to Mr. Harry Yant, an active member of Optimist Clubs for 18 years (about 16 of them in the South Austin Optimist Club), where he had served twice as President, twice as a member of the Board of Directors, as Secretary-Treasurer, and had been Chairman of every youth program of the Club. It was further noted that Mr. Yant was a Mason and a Shriner and had served as President and Director of the Capitol Rod and Gun Club. Because Mr. Yant had made many dedicated and sincere contributions to the young people of this community and had fostered good sportsmanship and achievement in his efforts devoted to future generations, the Council called on all citizens to join them in recognition of this outstanding man and his work for his community and neighbors.

RESOLUTION TO SOUTH AUSTIN OPTIMIST CLUB

City Manager Davidson read and then presented a resolution (along with Mr. Yant's resolution) signed by the Mayor and Council members to the South Austin Optimist Club noting that it had been a dedicated friend of youth activities for 19 years and had sponsored annual programs such as the Youth Oratory Contest, Bicycle Safety Week and Road-E-O, Gardner House Visitation Program, Youth Activity Week, and others. It was further added that the Club had fostered the development of athletic skills and good sportsmanship by sponsoring 18 Little League teams which involved 300 boys between the ages of 8 and 12 years and had developed and constructed five baseball fields for Little League. The Council called on all residents to join them in recognition of this outstanding organization.

APPROVAL OF MINUTES

Councilman Lebermann moved that the Council approve the Special Meeting Minutes of April 18, 1974 (10:30 a.m.) and the Regular Meeting Minutes of April 18, 1974 (1:00 p.m.). The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman,
Handcox, Lebermann

Noes: None

Absent: Mayor Butler

HEARING ON PROPOSED VACATION OF STREETS

Mayor Pro Tem Love opened the public hearing scheduled for 1:00 p.m. on proposed vacation of two streets and the passage of ordinances. City Manager Davidson noted that a letter had been received requesting that one of the street vacations be postponed, and he added that the applicant had been contacted and was in agreement with this. Councilman Friedman moved that the Council postpone the following proposed street vacation and passage of the ordinance until May 9, 1974, 1:00 p.m.:

The south twenty-five (25.00) feet of EAST 54TH STREET, a street fifty (50.00) feet in width, which portion to be vacated extends from the east right-of-way line of the Llano Branch of the H. & T. C. Railroad in an easterly direction to the west line of Middle Fiskville Road. (Requested by Bettis Service, Inc., and Mrs. Willie C. Hudson, the owners of all property on both sides of East 54th Street from said railroad to Middle Fiskville Road.)

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman,
Handcox, Lebermann

Noes: None

Absent: Mayor Butler

In regard to the other proposed street vacation, it had been noted that the street was outside the corporate limits of Austin; and therefore, it was not necessary for the Council to act on the vacation of the following:

VISTA VIEW DRIVE, a street fifty (50.00) feet in width in Travis County as shown on a map or plat of Spicewood at Balcones Village, Section Four, which street extends from the south line of Spicewood Parkway in a southerly direction 171.65 feet to point of termination. (Requested by Bryant-Curington, Inc., as agent for Spicewood Development Corporation, owner of all the properties on both sides of said Vista View Drive.)

HEARING ON AMENDMENT TO GLEN OAKS URBAN RENEWAL PLAN

Mayor Pro Tem Love opened the public hearing scheduled for 1:00 p.m. on the amendment to the Glen Oaks Urban Renewal Plan for the purpose of closing Webberville Road at the Seventh Street railroad crossing (as requested by the Urban Transportation Department). Mr. Joe Ternus, Director of Urban Transportation, appeared in regard to this matter noting that this was a recommended change in the Plan and added that specific recommendations for the street vacation, etc., would be brought before Council at a later date. Councilman Handcox moved that the Council close the public hearing and accept the recommendation of the Planning Commission to initiate action on this amendment. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann, Mayor Pro Tem Love, Councilman Binder
Noes: None
Absent: Mayor Butler

HEARING ON APPLICATION FOR CAPITAL IMPROVEMENT GRANT

Mayor Pro Tem Love opened the public hearing scheduled for 1:30 p.m. on an application for a Capital Improvement Grant to the Urban Mass Transportation Administration. No one appeared in reference to this application.

Councilman Lebermann moved the hearing be closed and the Council adopt a resolution authorizing the filing of an Amendment of an Application with the Department of Transportation, United States of America, for a Mass Transportation Capital Improvement Grant under the Urban Mass Transportation Act of 1964, as amended. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Pro Tem Love, Councilmen Binder, Dryden
Noes: None
Absent: Mayor Butler

HEARING TO CONSIDER ESTABLISHMENT OF AMBULANCE RATES

Mayor Pro Tem Love opened the public hearing scheduled for 1:30 p.m. to consider establishment of ambulance rates for transfer and other non-emergency ambulance service, as requested by the Austin Ambulance Company. City Manager Davidson noted that the staff had done a comparison of rates indicating that the requested rates were in keeping with what was being charged in other areas. On this basis, he recommended approval of the rates as follows:

	<u>Existing</u>	<u>Proposed</u>
Transfer		
One-way	\$22.50	\$27.50
Round trip	30.00	35.00
Emergency	26.00	35.00
(Other than Brackenridge Hospital)		
Waiting Time	10.00/hr.	20.00/hr.
Out-of-City Trip	22.50 + .60/mile	27.50 + .65/mile

Councilman Friedman felt that the \$5.00 increase in the one-way transfer fee was slightly high and stated that it was his understanding that most of these transfers were elderly people from nursing homes and people in basically fixed income brackets. In response to this, Mr. Scott Keller, representing the Austin Ambulance Company noted that this was basically a demand service and that they tried to pass on as much consideration as possible in this area but added that they needed this \$5.00 increase. In response to Councilman Friedman's question as to whether or not this could only be a \$2.50 increase making it easier for fixed income, Mr. Keller stated that this would not bring up their revenue to the point that they would like. Councilman Friedman questioned Mr. Keller with regard to the postponement of this matter in order that a report might be furnished the Council consisting of a breakdown of the type of patients being transferred one way, the ages of these patients, the consistency of these one-way trips, etc. In response to this, Mr. Keller indicated that this type of study would take quite some time. In response to Mr. Davidson's question, Mr. Keller stated that these patients were eligible for reimbursement under Medicare.

Councilman Binder asked why the comparison study did not include Dallas, Houston, or San Antonio. In response to this, Mr. Joe Ternus, Director of Urban Transportation, noted that those rates would not be compatible with these rates because those areas were taking funds out of governmental services and added that their rates were much lower than Austin's because they were using a tremendous amount of tax money to supplement those funds. He commented on the fact that Austin had one of the best ambulance contracts and was working on one of the best ambulance services. Mr. Davidson agreed with Mr. Ternus and added that the contract with Austin Ambulance Company provides for an annual evaluation of the total contract as to how much money they would be collecting in revenue and how much they would be paying out in expenses at the time of the evaluation. He stated that the Council would then have the opportunity to make whatever adjustments necessary whether it would be improving the service at the City's cost or decreasing the fees and subsidizing the service. He felt that a private enterprise was handling this for the City with a minimum of cost to the tax payers and it was working out well.

In response to Councilman Dryden's question in regard to the fee for waiting time, Mr. Keller stated that waiting time was very seldom charged in that waiting time was usually for football games or scheduled events outside of town where an ambulance would stand by and added that as a rule, they did not wait outside an emergency room of a hospital unless requested by a doctor.

Motion

Mayor Pro Tem Love brought up the following ordinance for its first reading:

AN ORDINANCE GRANTING AN INCREASE IN THE AMBULANCE RATES TO AUSTIN TRANSPORTATION COMPANY, INC.; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

The ordinance was read the first time and after discussion, Councilman Dryden moved that the hearing be closed, the ordinance be passed to its second reading, and the fees be approved as presented. Councilman Lebermann seconded the motion.

Substitute Motion

Councilman Friedman moved that the hearing be closed and the fees be approved as recommended with the exception of the one-way transfer fee, which he stated should be \$25.50 as opposed to \$27.50. Councilman Binder seconded the substitute motion. Roll call on the substitute motion showed the following vote:

Ayes: Councilmen Friedman, Binder
Noes: Councilmen Dryden, Lebermann, Handcox, Mayor Pro Tem Love
Absent: Mayor Butler

The substitute motion failed to carry by a 2 to 4 vote.

Roll Call on Original Motion

Roll call on Councilman Dryden's original motion, with Councilman Lebermann's second, that the hearing be closed and the ordinance be passed to its second reading approving the fees as presented, showed the following vote:

Ayes: Councilmen Dryden, Lebermann, Handcox, Mayor Pro Tem Love
Noes: Councilmen Friedman, Binder
Absent: Mayor Butler

Councilman Friedman requested that the afore-requested study be completed with regard to the number of one-way transfers in order that a determination be made as to whether or not there would be an impact on any of the fixed-income people. City Manager Davidson noted that some of the questions that had been posed would govern how the staff would gather the data between then and the annual audit of this contract at the end of the year and noted that this would help to bring a number of factors back to Council to help evaluate the correctness of this approach.

RELEASE OF EASEMENTS

Councilman Handcox moved that the Council adopt a resolution authorizing release of the following easement:

A drainage easement ten (10.00) feet in width in Lots 3 and 4 of HIGHLAND HILLS, SECTION FIVE, PHASE TWO. (Requested by the Austin National Bank, co-trustee of said Lots 3 and 4, and Louis V. Di Donato, purchase option holder.)

The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman, Handcox, Lebermann

Noes: None

Absent: Mayor Butler

Councilman Handcox moved that the Council adopt a resolution authorizing release of the following easement:

A portion of the PUBLIC UTILITIES EASEMENT five (5.00) feet in width, same being the south 55.12 feet of the west five (5.00) feet of LOT 1-A of FRITTS ADDITION. (Requested by W. B. Pohl & Associates, Inc., owner.)

The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman, Handcox, Lebermann

Noes: None

Absent: Mayor Butler

LICENSE AGREEMENT PERMITTING ENCROACHMENT

Councilman Friedman moved that the Council adopt a resolution authorizing a license agreement between the City of Austin and the LUMBERMEN'S INVESTMENT CORPORATION permitting encroachment of decorative fences and walls along and upon the public utilities easements ten (10.00) feet in width along the Decker Lane property line of LOT 26, BLOCK 1, and LOT 8, BLOCK 2, of COLONY PARK HILLS 1-A. (Requested by Lumbermen's Investment Corporation, owner.) The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman, Handcox, Lebermann

Noes: None

Absent: Mayor Butler

AUTHORIZATION
IN CONNECTION WITH PAVING OF PUBLIC WAYS

Councilman Friedman moved that the Council adopt a resolution authorizing the Director of Public Works or in his absence the Assistant Director of Public Works to execute releases and assignments of liens, judgements, and judgement liens arising in favor of the City of Austin by virtue of assessments for the paving of the public ways of the City or suits for the collection of delinquent payment thereof. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Handcox, Lebermann,
Mayor Pro Tem Love
Noes: None
Absent: Mayor Butler

TEMPORARY CLOSING OF STREET

Councilman Friedman moved that the Council adopt a resolution authorizing temporary closing of West 35th Street from Balcones Drive to Mount Bonnell Drive from 8:00 a.m. to 11:00 p.m. on May 18 and 19, 1974, for the annual Laguna Gloria Art Fiesta. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann, Mayor Pro Tem
Love, Councilman Binder
Noes: None
Absent: Mayor Butler

REVISION OF UNIVERSITY SHUTTLE BUS ROUTES

The revision of the University of Texas Shuttle Bus Routes, as recommended by the Department of Urban Transportation, was now before the Council for consideration. Mr. Joe Ternus introduced Mr. James S. Wilson, Assistant for Shuttle Bus Operations, and stated that he was proud to have worked with a man of his professional abilities. Mr. Wilson noted that Mr. Ternus and his staff had made these revisions not nearly as difficult as he had thought they would be and hoped that they had worked together so that it was in the best interests of the University and Austin. In conclusion, he hoped that they would continue to work this way together. Councilman Binder moved that the Council adopt a resolution authorizing the revision of the University of Texas Shuttle Bus Routes. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Pro Tem Love,
Councilmen Binder, Dryden
Noes: None
Absent: Mayor Butler

CONTRACTS AWARDED

City Manager Davidson noted that some of the contracts contained subject-to-escalation clauses but recommended the awarding of all of them.

Councilman Friedman moved that the Council adopt a resolution awarding the following contract:

NELSON CONSTRUCTION COMPANY	- For East Service Center shed
3222 East 5th Street	enclosure vehicle & equipment
Austin, Texas	services - \$77,000

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Pro Tem Love, Councilmen
Binder, Friedman
Noes: None
Not in Council Chamber when roll was called: Councilman Dryden
Absent: Mayor Butler

Councilman Friedman moved that the Council adopt a resolution awarding the following contract:

CANYON CONSTRUCTION COMPANY	- Learning Resources Center for
P. O. Box 9382	Libraries Department - \$154,154.00
Austin, Texas	

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Pro Tem Love, Councilmen
Binder, Friedman
Noes: None
Not in Council Chamber when roll was called: Councilman Dryden
Absent: Mayor Butler

Councilman Friedman moved that the Council adopt a resolution awarding the following contract:

CANYON CONSTRUCTION COMPANY	- Northwest Branch Austin Public
P. O. Box 9382	Library, Libraries Department -
Austin, Texas	\$259,952.00

Councilman Lebermann felt that the two libraries that would be constructed, one in Northwest Austin and one in the Model Cities area, were worthy of mentioning. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Pro Tem Love, Councilmen
Binder, Friedman
Noes: None
Not in Council Chamber when roll was called: Councilman Dryden
Absent: Mayor Butler

Councilman Friedman moved that the Council adopt a resolution awarding the following contract:

QUALITY CONSTRUCTION COMPANY
Highway 290 North
Marble Falls, Texas

- Granite gravel for Parks and Recreation Department - \$9,000.00

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Pro Tem Love, Councilmen Binder, Friedman
Noes: None
Not in Council Chamber when roll was called: Councilman Dryden
Absent: Mayor Butler

Councilman Friedman moved that the Council adopt a resolution awarding the following contracts:

Bid Award:

- Cast Iron Water Pipe, Central Stores for Water Distribution Division

LONE STAR STEEL COMPANY
2200 West Mockingbird Lane
Dallas, Texas

- Item Nos. 1.3, 1.4, 1.5, 2.2, 2.3, 2.4, 2.5, 2.6, 3.1, and 4.1 - \$26,831.48

UNITED STATES PIPE AND
FOUNDRY COMPANY
13777 North Central Expressway
Dallas, Texas

- Item Nos. 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, and 5.7 - \$141,656.00 (subject to escalation)

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Pro Tem Love, Councilmen Binder, Friedman
Noes: None
Not in Council Chamber when roll was called: Councilman Dryden
Absent: Mayor Butler.

Councilman Friedman moved that the Council adopt a resolution awarding the following contracts:

Bid Award:

- Fork Lifts, Item 1 for Electric Power Production and Item 2 for Electric Distribution

CENTRAL TEXAS CLARKLIFT
9508 North Interregional
Austin, Texas

- Item No. 1; 1 ea. @ \$10,385.59

HOLT MACHINERY COMPANY
9601 South Interregional
Austin, Texas

- Item No. 2; 1 ea. @ \$14,127.00

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Pro Tem Love, Councilmen
Binder, Friedman
Noes: None
Not in Council Chamber when roll was called: Councilman Dryden
Absent: Mayor Butler

Councilman Friedman moved that the Council adopt a resolution awarding the following contract:

WEHRING-GOSS EQUIPMENT COMPANY	- 250 CFM Truck Mounted Air Compressor
11146 I. H. 35	for Vehicle and Equipment Services
San Antonio, Texas	Department and Water Distribution -
	\$7,360.00

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Pro Tem Love, Councilmen
Binder, Friedman
Noes: None
Not in Council Chamber when roll was called: Councilman Dryden
Absent: Mayor Butler

Councilman Friedman moved that the Council adopt a resolution awarding the following contract:

WESTINGHOUSE ELECTRIC CORPORATION	- Power Transformer for Decker
201 North St. Mary's Street	Unit #2 - \$836,846.00
San Antonio, Texas	(subject to escalation)

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Pro Tem Love, Councilmen
Binder, Friedman
Noes: None
Not in Council Chamber when roll was called: Councilman Dryden
Absent: Mayor Butler

Councilman Friedman moved that the Council adopt a resolution awarding the following contract:

RODNEY HUNT COMPANY	- Sluice Gates for Decker Unit #2 -
P. O. Box Drawer A	\$140,000.00
Bacliff, Texas	

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Pro Tem Love, Councilmen
Binder, Friedman
Noes: None
Not in Council Chamber when roll was called: Councilman Dryden
Absent: Mayor Butler

Councilman Friedman moved that the Council adopt a resolution awarding the following contract:

LINK BELT DIVISION, FMC
6001 Gulf Freeway, Suite C-150
Houston, Texas

- Traveling Water Screens for
Decker Unit #2 - \$77,901.00

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Pro Tem Love, Councilmen
Binder, Friedman

Noes: None

Not in Council Chamber when roll was called: Councilman Dryden

Absent: Mayor Butler

Councilman Friedman moved that the Council adopt a resolution awarding the following contract:

DALMARK, INC.
Brandt Lane
Buda, Texas

- For Electric Ductline and
Concrete Foundations at Jett
Substation - \$88,031.50

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Pro Tem Love, Councilmen
Binder, Friedman

Noes: None

Not in Council Chamber when roll was called: Councilman Dryden

Absent: Mayor Butler

APPLICATION FOR RECERTIFICATION

Councilman Handcox moved that the Council adopt a resolution authorizing the Community Development Office to submit to the Department of Housing and Urban Development an application for recertification of the workable program for the period May 1, 1974 to April 30, 1976. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Pro Tem Love, Councilmen Binder,
Friedman, Handcox

Noes: None

Not in Council Chamber when roll was called: Councilman Dryden

Absent: Mayor Butler

APPLICATION FOR FUNDS TO PUBLIC LIBRARY

Councilman Handcox moved that the Council adopt a resolution authorizing the Austin Public Library to make application to the Texas State Library for funds from the Federal Library Services and Construction Act, Title I. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Friedman, Handcox,
Lebermann
Noes: None
Not in Council Chamber when roll was called: Councilman Dryden
Absent: Mayor Butler

HEARING SET ON BRACKENRIDGE URBAN RENEWAL PLAN

Councilman Binder moved that the Council set a public hearing for 1:00 p.m. on May 30, 1974, to consider a change in the Brackenridge Urban Renewal Plan. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Friedman, Handcox,
Lebermann
Noes: None
Not in Council Chamber when roll was called: Councilman Dryden
Absent: Mayor Butler

LICENSE AGREEMENT TO INSTALL PIPELINES

Councilman Friedman moved that the Council adopt a resolution authorizing the City Manager to enter into a license agreement with the Missouri-Kansas-Texas Railroad Company to install two 30-inch and two 54-inch wastewater siphon pipelines in an 11' 2" conduit at Mile Post U-949.18 near Austin. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Binder, Friedman, Handcox, Lebermann, Mayor Pro
Tem Love
Noes: None
Not in Council Chamber when roll was called: Councilman Dryden
Absent: Mayor Butler

LEASE AGREEMENT FOR PROPERTY

Consideration of a lease agreement with C. B. Smith Volkswagen, Inc., for property at West Third Street and North Lamar Boulevard was now before Council. In response to Councilman Binder's question as to why this piece of property was not priced higher, Mr. Joe Morahan, Director of Property Division, noted that this did not provide a very good access to Lamar because this was where the railroad overpass was and added that one had to go around the block to get to this piece of property. City Manager Davidson further added that this property would cost the City about three times what it had in the past for that area. Councilman Friedman moved that the Council adopt a resolution authorizing a lease agreement with C. B. Smith Volkswagen, Inc., for property at West Third Street and North Lamar Boulevard. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann, Councilman
Binder
Noes: None
Not in Council Chamber when roll was called: Mayor Pro Tem Love
Absent: Mayor Butler

ACQUISITION OF LAND

Councilman Handcox moved that the Council adopt a resolution authorizing the acquisition of certain land for right of way for William Cannon Drive. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Binder, Dryden

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Love

Absent: Mayor Butler

REQUEST TO HANG BANNER

Councilman Friedman moved that the Council grant a request by the Austin Chamber of Commerce to hang a banner at the 1200 block of South Lamar from October 21, 1974, through November 4, 1974, in connection with the 1974 Austin Arts and Crafts Fair. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Binder, Dryden, Friedman

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Love

Absent: Mayor Butler

REQUEST TO LOCATE TRANSMITTER AND TELEPHONE LINES

Councilman Lebermann moved that the Council grant a request by Mr. Johnny Voudouris, Commissioner in Precinct #3, representing Commissioner's Court of Travis County, to locate the transmitter and telephone lines for the County's new local government radio station in the City's transmitter building, located on Ridgeoak Lane. City Manager Davidson noted that the City would bill them for the difference in electrical rates, which would be an estimated \$3.50 per month. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman, Handcox

Noes: None

Absent: Mayor Butler

MODIFICATION OF WATER SUPPLY CONTRACT

Mr. Tom Curtis, on behalf of the Cedar Park Water Supply Corporation (a non-profit company funded by F.H.A.), appeared before Council to discuss the terms and conditions of the existing contract between the City and the Cedar Park Water Supply Corporation and to request modification of those terms. He discussed the original contract noting that it had originated in July, 1967, and had since been amended twice, the most recent after a Council meeting in August, 1973. He stated that the present contract called for 108 gallons per minute maximum amount of water to be purchased from the City, restricted the

adding of new customers by the Water Supply Company, and called for a \$10,000 penalty in the event that the Water Company was not off the City line by April 30, 1974 (the expiration date of the contract). He stated that their request was to extend that agreement for one year so that the Corporation could serve its existing as well as new customers in need of water and to reduce the amount of water from 108 to 50 GPM. He noted that the 50 GPM figure was the amount that was originally contracted for in 1967. They proposed to keep the \$10,000 Certificate of Deposit up in the City's favor in the event that if at the expiration of a year they were not complete, it could be forfeited to the City if not off the system. He felt that the principal reason he was there was that the 8-month estimate from last August as to how long it would take to get this system completed was quite optimistic. In response to Councilman Binder's question in regard to when engineering and construction work had actually begun, Mr. Curtis stated that at the August, 1973, meeting the statement had been made by the spokesman for the Company that most of the engineering had been completed and that he thought money was available to commence the project, but Mr. Curtis added that the actual construction on the project began April 14, 1974. In response to Councilman Friedman's question as to why the Company had not come before Council sooner prior to the expiration date, Mr. Curtis stated that it was apparent shortly after the 8-month expiration date had been set that this could not be done. In order to try and correct this, he added that the Water Company drilled three wells hoping that they could get sufficient well water to supply themselves; and when they could not get enough water, they drilled three more wells. In that regard, he stated that they had spent \$64,000 since August, 1973, in an attempt to get sufficient supply so that they would not find themselves in the position they were in at this point.

Councilman Friedman stated that the Council felt that the contract had been violated when Cedar Park began selling to an incorporated area. He felt that the \$10,000 should be forfeited to the City and negotiations be started in regard to entering into another year's contract with another \$10,000 put up with the understanding that it could also be forfeited at the end of that year. Councilman Lebermann agreed and added that Cedar Park did initially violate the terms of the contract. In response to this, Mr. Curtis noted that there were a good many innocent people involved in that area who were in need of water and felt that Council should take this into consideration. Councilman Lebermann stated that Council was seeking on behalf of good and proper planning to prevent the fragmentation of the governmental processes in the extra-territorial jurisdiction and beyond, and in essence what Cedar Park did and what they were requesting would be fostering that which he felt was inappropriate in every way and stated that he could not continue this procedure. In response to Councilman Binder's question, City Manager Davidson did not believe that Cedar Park Water Supply had proceeded with due diligence and in good faith since August, 1973, and added that the representatives from Cedar Park requested the contract that they got and committed themselves to complete the work by that time; and Council made a decision based on their request at that time. Mr. Curtis remarked that since that time the project had changed in regard to the size, the funding, etc. In response to Mayor Pro Tem Love's request, City Manager Davidson did not believe that Council had any more assurance that the Company could complete the system in the next 12 months than they had been able to complete in the past eight months.

Mr. Curtis asked if Council would consider it appropriate to provide water between now and as soon as the Water Company could attempt to get other wells in and that way they would have the opportunity to not be cutting water off to some people during this period. Councilman Friedman suggested that if the water company could assure Council that the \$10,000 would be properly forfeited, there might be a possibility of negotiations to extend the water. City Manager Davidson recommended that the contract be enforced, that the \$10,000 be forfeited if necessary, and that if this corporation wanted to request that the City continue that water supply until completion of their new system, Council authorize the City to begin negotiations on such an agreement. Councilman Dryden felt that as a governing body, it was Council's responsibility to see that the contract was upheld; however, he felt that the City owed it to Cedar Park to continue to supply water to them for a reasonable period of time.

Councilman Friedman moved that the Council continue to enforce the contract as agreed upon last August between Cedar Park Water Supply Corporation and the City and that the staff enter into negotiations that would be directed to continue water flowing to Cedar Park Water Supply Corporation after April 30, 1974, provided that the \$10,000 placed in Certificate of Deposit on behalf of the Water Supply Corporation be forfeited to the City of Austin if they did not request the water to be turned off on April 30, 1974. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman,
Handcox, Lebermann
Noes: None
Absent: Mayor Butler

PARADE PERMIT

Councilman Friedman moved that the Council grant a request by B. H. Bland for a parade permit for Texas Shrine Association and Ben Hur Shrine Temple on June 8, 1974, from 10:30 a.m. to 12:00 noon beginning at the Municipal Auditorium across First Street bridge to Congress, up Congress to 11th Street to Guadalupe, and back to the Auditorium.

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman, Handcox,
Lebermann
Noes: None
Absent: Mayor Butler

FAMILY PRACTICE CLINIC

It was noted that Mr. John N. Kemp, Executive Director of Travis County Medical Society, had presented information to Council in connection with the Family Practice Clinic. City Manager Davidson further noted that this had been placed on the Agenda for information only and that Mr. Kemp would appear before the Council with a presentation at a later date.

VACATION OF ALLEY

It was noted that the following item was now before the Council for consideration:

Amending Ordinance No. 720831-L to vacate the north eighty (80.00) feet of that certain alley twenty (20.00) feet in width, known as the COLORADO STREET ALLEY and which traverses OUTLOT 46, DIVISION E, of the Government Outlots adjoining the Original City of Austin.

It was further noted that the City must contact the State, which was the abutting property owner, before taking further action; therefore, this item was withdrawn.

REFUND CONTRACTS

Mayor Pro Tem Love brought up the following ordinance for its first reading:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH ROBERT OGDEN AND JESS WEBB, AND JOHN McPHAUL; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Austin Highlands, Section 2; Hillside Oaks Subdivision)

The ordinance was read the first time, and Councilman Lebermann moved the ordinance be passed to its second reading. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Handcox, Lebermann, Mayor Pro Tem Love
Noes: Councilman Friedman
Not in Council Chamber when roll was called: Councilman Binder
Absent: Mayor Butler

APPROACH MAIN CONTRACT

Mayor Pro Tem Love brought up the following ordinance for its first reading, authorizing a five-year approach main contract:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH JOHN McPHAUL; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Hillside Oaks Subdivision)

The ordinance was read the first time, and Councilman Handcox moved the ordinance be passed to its second reading. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Handcox, Lebermann, Mayor Pro Tem Love
Noes: Councilman Friedman
Not in Council Chamber when roll was called: Councilman Binder
Absent: Mayor Butler

ZONING ORDINANCE

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

(1) LOT 1-A OF THE RESUBDIVISION OF PART OF TRACT 2, ALLEN SUBDIVISION, LOCALLY KNOWN AS 2501-2512 RUTLAND DRIVE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; AND,

(2) LOTS 1-B AND 2-B OF RUTLAND ADDITION, LOCALLY KNOWN AS 2404-2418 RUTLAND DRIVE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT;

ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (E. E. Stuessy Co., Inc., C14-73-253; E. E. Stuessy, C14-73-253 - City of Austin, Area Study)

Councilman Friedman moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Pro Tem Love, Councilman Dryden

Noes: None

Not in Council Chamber when roll was called: Councilman Binder

Absent: Mayor Butler

The Mayor Pro Tem announced that the ordinance had been finally passed.

BUDGET ORDINANCE

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 730913-G TO PROVIDE THE DATA PROCESSING DEPARTMENT EXPANDED TRAINING CAPABILITY AND ONE ADDITIONAL EMPLOYEE; AUTHORIZING INCREASE OF REVENUE CHARGES TO CITY DEPARTMENTS FOR THE DATA PROCESSING DEPARTMENT; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Friedman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Pro Tem Love, Councilmen Dryden, Friedman

Noes: None

Not in Council Chamber when roll was called: Councilman Binder

Absent: Mayor Butler

The Mayor Pro Tem announced that the ordinance had been finally passed.

ZONINGS SET FOR PUBLIC HEARING

The City Manager reported that the following zoning applications had been referred to the Planning Commission for recommendation and had been set for public hearing on June 6, 1974:


MYERS K. PARSONS By Martin Boozer, Jr. C14-74-051	3801-3805 Duval Street 500-508 East 38th Street	From "A" Residence To "LR" Local Retail and "B" Residence
HIXON DEVELOPMENT COMPANY By William Davidson, Jr. C14-74-052	1634-1656 & 1700 1720 East Riverside Drive 1700-1712 & 1701-1721 South Lakeshore Drive	From "B" Residence To "C" Commercial and "GR" General Retail
SOUTHWESTERN ANALYTICAL CHEMICALS, INC. By C. H. Hale C14-74-053	821 East Woodward Street	From "A" Residence To "D" Industrial
M. H. FLOURNOY By Charles M. Babb C14-74-054	140-202 Eberhart Lane	From Interim "A" Residence Interim 1st Height and Area To "B" Residence 1st Height and Area
FRANK H. MILBURN By Carlisle E. Bryan C14-74-055	4210 Avenue B	From "A" Residence To "B" Residence
FOREMOST LIFE INSURANCE COMPANY By Robert C. Sneed C14-74-056	7621-7723 Circle S Road 7725-8015 U. S. High- way 81 (Congress Ave.) 100-242 & 101-241 Foremost Drive 7718-8010 South I.H. 35	From Interim "A" Residence Interim 1st Height and Area To "GR" General Retail 1st Height and Area
AUSTIN PREMIUM FINANCE INC., ET AL. C14-74-057	805 Rio Grande Street	From "B" Residence To "O" Office
SARAH ALICE BOWLING By Claud Wright, Jr. C14-74-058	1510 Eva Street 200-204 West Monroe Street	From "A" Residence To "C" Commercial
TROJAN L. TIDWELL, ET UX C14-74-059	1801 Koenig Lane	From "A" Residence To "O" Office
STERLING HOLLOWAY, ET UX C14-74-060	6701-7005 South I.H.35 1601-1619 North Bluff Drive	From Interim "A" Residence Interim 1st Height and Area To "GR" General Retail 2nd Height and Area

ROBERT G. HALL, ET AL By Tom Curtis C14-74-063	2317-2321 San Antonio Street 411-419 West 24th Street	From "C" Commercial To "C-2" Commercial
GOV. ALLAN SHIVERS, JOHN SHIVERS and C. McADEN By Dan Felts C14-73-246	5300-5306 Joe Sayers Avenue 1500-1504 North Loop Boulevard	From "B" Residence 1st Height and Area To "B" Residence 2nd Height and Area
UNIVERSITY CO-OPERATIVE SOCIETY, INC. By Phil Mockford C14-74-004	2211-2217 Nueces Street 507-511 West 23rd Street	From "B" Residence To "GR" General Retail
JOHN BODE, TRUSTEE By Tom W. Bradfield C14-74-024	5720 Balcones Drive	From "A" Residence To "LR" Local Retail
TOM W. BRADFIELD C14-74-025	5752 Balcones Drive	From "A" Residence To "LR" Local Retail
DON BECKER By Teddy Henderson C14-74-042	5606 Jim Hogg Avenue	From "BB" Residence 1st Height and Area To "B" Residence 1st Height and Area (as amended)
BILLIE L. PASSMORE By James B. Polkinghorn C14-74-046	1114 Robert E. Lee Road	From "A" Residence To "BB" Residence
HARLEY R. CLARK, JR., ET AL By Tom Curtis C14-74-048	1100-1110 Baylor Street 1101-1103 West 12th Street 1100-1108 West 11th Street	From "B" Residence To "C" Commercial
PLANNED UNIT DEVELOPMENT APPLICATION		
CARL WOOTEN By Wroe Owens C814-74-007	Bounded by Lakeshore Drive, Westlake Drive and Lake Austin (Colorado River)	From "A" Residence and "C" Commercial 1st Height and area To a Planned Unit Development 76 attached and 131 detached single-family dwelling units, with restaurant, marina, com- mercial area and common open space called, "Harbor Village"

ADJOURNMENT

The Council adjourned at 2:45 p.m.

APPROVED


Mayor Pro Tem

ATTEST:



City Clerk